

MINUTES

**TENNESSEE SOLID WASTE DISPOSAL CONTROL BOARD MEETING
RUTH NEFF CONFERENCE ROOM
17TH FLOOR, L & C TOWER
401 CHURCH STREET
NASHVILLE, TENNESSEE
FEBRUARY 5, 2008**

Board Members Present:

Mr. Kenneth Donaldson, Chairman

Dr. Greg Nail, Vice-Chairman

Ms. Sherry Sloan, Second Chair

Mr. Mike Apple, Technical Secretary

Mr. Michael Atchison

Mr. Bob Booker

Ms. Elaine Boyd

Mr. Kevin Davis

Board Members Absent:

Mr. John Barker

Mr. Knox Horner

Ms. Julia Williams

Ms. Melissa Bryant

After acknowledging new Board member, Mayor Kevin Davis, Chairman

Donaldson called the meeting to order at 9:10 a.m. on Tuesday, February 5, 2008.

SOLID WASTE DISPOSAL CONTROL BOARD MATTERS:

Continuing with the need to elect two additional officers, the Chairman opened the floor to motions for Vice and Second Chair. Mike Atchison proceeded with a nomination of Dr. Greg Nail as Vice-Chairman. Ms. Sloan seconded with a unanimous vote to follow. Mr. Booker then nominated Sherry Sloan as Second Chair. Mr. Atchison seconded the motion. A roll call vote was held re-electing Ms. Sloan to her post as acting Second Chairperson.

Following the establishment of officers, Chairman Donaldson asked for a motion to accept the minutes from the last SWDCB meeting held in October, 2007.

Mr. Atchison motioned to approve and Ms. Boyd seconded.

All members were in favor.

The **Hazardous Waste Permitting Report** was presented by Ms. Jamie Burroughs where she responded to Mr. Atchison's question regarding volumes of landfill waste while clarifying which changes are considered major or minor.

REGULATORY MATTERS:

Mr. Bob Powell, representing the Division of Remediation (DoR), discussed the need to list former Murray Ohio Plant site (#50-509) on the List of Inactive Hazardous Substances Sites.

Murray, Inc., known for making lawn mowers and bicycle parts, purchased several parcels of land in the industrial/residential section of Lawrence County, Tennessee. The site is situated up-gradient of Shoal Creek, where the City of Lawrenceburg obtains its drinking water.

The facility used for production and assembly of walk-behind and riding lawn mowing equipment and bicycle parts, was originally constructed 1956. Although Murray ceased its operation in the 1990's the site is currently operated by Swisher Mower and Machine which continues to make similar lawn and garden products. Due to previous notice of violations, Environmental Assessments were conducted including background research, environmental samplings of soil, sub-surface area, and some groundwater monitoring. The groundwater samples revealed metal contamination. Subsequently, a Brownfield Agreement was entered into between the State of Tennessee and Lawrenceburg Redevelopment Partners, LLC, with the understanding that a follow-up Environmental Site Assessment would be conducted, along with a well survey, sub-surface soil tests, groundwater investigations and monitoring. In 2006, the Assessment showed evidence of several Recognized Environmental Conditions which exceeded Maximum Contaminant Levels (MCL) according to EPA Standards. Based on the analytical results, the site poses a potential threat to human health and the environment; therefore, the DoR is proposing that this Site be added to the List of Inactive Hazardous Substance Sites. Chairman Donaldson asks for questions or comments whereupon Mr. Atchison requests a map be submitted in future detailing the proximity of the monitoring wells to the facility. Mr. Donaldson agreed that the topography would also be helpful.

Ms. Sloan offered the motion that they accept this listing. Mr. Booker seconded. The motion carried.

Continuing under Regulatory Matters, Steve Goins from the Division of Remediation, requested that the adoption of the DoR Fee Amendments be postponed until the next SWDCB meeting to allow time to answer phone calls regarding fee increases and to assess the business impact. Reassuring a questioning Ms. Sloan that the increases were necessary because of inflation, fully-justified by the Legislature, and adjusted to be implemented over a five year period; Ms. Sloan moved to allow the delay for one meeting. Mr. Davis seconded the motion with all members voting in the affirmative.

AGREED/CONSENT ORDERS:

Mobile Process Technology, Inc., Shelby County
Case No. SWM 06-H0043; Docket No.: 04.27-097197A

Max Fleischer presented a summary for **Mobile Process Technology, Inc.**, which involved plating-type companies using improper bills of lading for shipping, and receiving; plus improper labeling of product for storage and recycling purposes.

Robert Steele representing Mobile Process Technology, Inc. acknowledged the improper handling of wastes and its manifests as well as outlined the steps they had taken to discipline and instruct staff about manifests, proper timetables for shipping various amounts and acceptance guidelines of metal-finishing wastes. Ms. Boyd moved to approve the AGREED ORDER which was then seconded by Dr. Nail. The motion carried.

Chattem Chemicals, Inc., Hamilton County

Case No.: HWM 07-0012; Docket No.: 04.27-097501A

David Henry, Office of General Counsel (OGC), presented a summary,

DIRECTOR'S ORDER and an AGREED ORDER for **Chattem Chemicals, Inc.**

This company is a manufacturer of pharmaceutical ingredients in Chattanooga, Tennessee; a large-quantity hazardous waste generator; and a small-quantity universal waste generator. After numerous rule and statute violations, penalties were assessed. Basically, drums were not characterized properly or had been there too long. A timely appeal was received from Chattem Chemical, Inc. and follow-up inspections revealed no new violations. All former violations had been corrected. This company was very cooperative with no contest to charges and agreed to pay full damages. AGREED ORDER signed, accepted and presented for BOARD approval. Ms. Sloan made motion to accept which was seconded by Mr. Booker. Roll call vote was unanimous.

OTHER BUSINESS:

The DSWM Enforcement Team of Elizabeth Cates and Teresa Boyer, Program Manager, each presented an overview of how fees were generated and penalties assessed based on the RCRA and EPA benchmarks and timelines for compliance in both hazardous and solid waste enforcement cases. Ms. Cates explained examples through slides and handouts detailing acceptable parameters for waste management from the "cradle to the grave." She discussed the Resource Conservation and Recovery Act (RCRA) and the Tennessee Code Annotated (TCA) requirements that must be met in order to avoid an Enforcement process.

She illustrated penalty calculations with the EPA Region IV matrix which is the formula applied to help accomplish compliance goals, along with Agreed Orders, that further provide a vehicle for the pro-active, good-faith efforts of the regulated community to cooperate with set standards.

Enforcement Program Manager, Teresa Boyer stated that the majority of Solid Waste Enforcement cases had to do with illegal disposal sites. The same Matrix would be used in calculating the clean-up recoupment.

EPA Enforcement Coordinator, Chris Moran, mentioned that TDEC consistently receives "high marks" from the Environmental Protection Agency and they are "quite pleased" with the Enforcement Division.

After comments and appreciation were expressed, Mike Apple proposed dates for the next Board meeting originally scheduled on April 2nd to coincide with the Annual Solid and Hazardous Waste Conference to be held in Gatlinburg. The decision was made to host the SWDCB on Tuesday, April 29, 2008, the day preceeding the Gatlinburg Conference beginning on April 30th thru May 2nd.

SWM Director, Mike Apple recognized the recently retired Jerry Ingram and welcomed Wayne Gregory to the Bureau to manage the Oversight of Hazardous Waste Regulations.

The Director also congratulated Herb Nicholson, Manager of Hazardous Waste, who is the acting Environmental Field Office Manager.

Mr. Apple related that there are numerous bills before the Legislature including the Bulk Survey For Release (BSFR) that ban all landfills from accepting even small amounts of radioactive wastes. He mentioned that this will be very difficult for Oak Ridge, as well as, some transfer stations to control what goes in. Mr. Apple further stated that there was surprising interest in Class IV and Class I landfills mainly due to the heavy truck traffic and industry which does impact our communities. There are thirty-four Class I landfills left in the State.

After closing comments and an invitation welcoming everyone to make plans to attend the upcoming Gatlinburg Conference, Chairman Donaldson asked for motion to adjourn. This was given by Ms. Sloan and seconded by Ms. Boyd.

With universal agreement, the meeting ended at approximately 10:53 a.m.

SUBMITTED BY:

Mike Apple
Mike Apple, Technical Secretary

4-16-08
Date

APPROVED BY:

Sherry Sloan
Sherry Sloan, Presiding Chairperson
Solid Waste Disposal Control Board

4-29-08
Date